

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael Fiorito,

File No. 22-cv-3055 (ECT/DTS)

Plaintiff,

v.

ORDER

United States of America,

Defendant.

Magistrate Judge Schultz filed an Order and Report and Recommendation on April 17, 2023. ECF No. 31. The Order addressed Plaintiff Michael Fiorito's "Combined Motion to Compel Production of Documents and His First Objections to Defendants Motion to Dismiss and Memorandum in Support" [ECF No. 26]. The Report and Recommendation addressed Fiorito's "Motion to Remand Pursuant to 28 U.S.C. § 1447(c)" [ECF No. 29].

The Parties had 14 days, or until May 1, to object to the Report and Recommendation. On May 2, Fiorito filed a "Motion for an Extension of Time to File Objections to the Magistrates Report and Recommendation." ECF No. 32. Fiorito's seven-page motion includes a request for a 45-day extension but also includes several assertions that are essentially objections to the report and recommendation. *Id.* Fiorito's request for an extension will be denied. His motion will be construed as objections to the Report and Recommendation. Because Fiorito has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule

72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Schultz's analysis and conclusions are correct.

Therefore, based on the foregoing, and on all the files, records, and proceedings herein, **IT IS ORDERED THAT:**

1. Plaintiff's Motion for an Extension of Time to File Objections to the Report and Recommendation [ECF No. 32] is **DENIED**.
2. Plaintiff's motion [ECF No. 32] will be construed as objections to the Report and Recommendation.
3. The Report and Recommendation [ECF No. 31] is **ACCEPTED IN FULL**.
4. Plaintiff Michael Fiorito's Motion to Remand Pursuant to 28 U.S.C. § 1447(c) [ECF No. 29] is **DENIED**.

Dated: May 8, 2023

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court